Remarks

Claim 1 currently stands rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement, alleging that the proviso language added to Amended Claim 1 in Applicants' last response presented an issue of new matter being added to the application. Applicants respectfully disagree with the characterization of the proviso as being new matter. However, in an effort to facilitate the allowance of the application, Applicants have amended Claim 1 to remove the proviso language and instead limit R1 to being hydrogen and limit the positioning of substituent A to the 7-position of the benzofuranyl ring. Support for these amendments is found on page 7, paragraphs ae) and an), noting the support for multiple selections of the preferred selections of individual substituents at page 10, lines 1-2.

Applicants respectfully draw the Examiner's attention to the fact that the previously cited Owen reference does not teach or suggest compounds having the presently claimed 7-position aminoalkyl substituents. Furthermore, the previously cited Royer reference does not teach or suggest the presently claimed unsubstituted or monosubstituted 5-member ring of the benzofuranyl moiety.

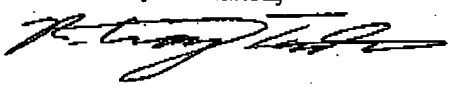
Claim 2 currently stands rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to recite a dosage limitation in a pharmaceutical formulation claim. Applicants respectfully disagree. As the Examiner states, certain understandings are inherent in the common usage of the term "pharmaceutical formulation" and it is understood that any marketed pharmaceutical formulation will have the active ingredient set at a particular dose, that dose being therapeutically effective. However, a patent claim to a composition of matter that happens to be pharmaceutical formulation type of composition of matter, comprising a patentable compound need not have any other limitations to make it likewise novel and non-obvious and fully described with definiteness. In the previously claimed composition, Applicants were claiming a (any) composition that has a novel, non-obvious, useful compound together with at least one pharmaceutically acceptable carrier, diluent or excipient. Applicants assert that such a composition of matter is likewise novel, non-obvious and useful, and needs no other limitations to define its scope. The use of the preamble term "pharmaceutical formulation" does not require the claim to be limited in any other manner for it to be an allowable claim. In view of these comments, Applicants request that the rejection of Claim 2 under 35 U.S.C. 112 be withdrawn and the Claim allowed without amendment.

In the alternative and in the event that Applicants' arguments are not accepted,

Applicants' request that the present amendment to Claim 2 be entered in an effort to place the application in condition for allowance without any further undue delay. The amendment is in direct compliance with Examiner's suggestion to amend Claim 2 to further recite "therapeutically acceptable amount".

It is believed that all rejections have been traversed or obviated and that all issues have been addressed. It is believed that the Claims are now in condition for allowance. A timely Notice of Allowance is requested.

Respectfully submitted,



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